

LYNDON CITY COUNCIL  
REGULAR MEETING MINUTES OF  
June 1, 2020

The Lyndon City Council met in regular session on Monday, June 1, 2020, 7:00 p.m., at Lyndon City Hall.

1. CALL TO ORDER: Mayor Steve Morrison called the meeting to order.

- a) ROLL CALL: City Clerk called roll of the City Council. Mayor Steve Morrison, Council President Darin Schmitt and members Kevin Heit, Lynn Atchison and Katie Shepard present. Member Doug Harty absent with notification.

City Staff present: Pat Walsh, City Attorney; Julie Stutzman, City Clerk; Scott Culley, Maintenance Supervisor; Darrel Manning, Law Enforcement Supervisor; and Officer David Forkenbrock.

Others Present: Nikki Schmitt, Toby and Mary Young, and Gene Hirt.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING:

- a) Schmitt made the motion to approve the regular meeting minutes of May 4, 2020 as amended. Shepard seconded; motion carried.
- b) Schmitt made the motion to approve the special meeting minutes of May 27, 2020 as written. Heit seconded; motion carried.

3. CONSENT AGENDA:

- a) Approval of Bills: Schmitt made the motion to approve the bills of May 4 through June 1, 2020. Shepard seconded; motion carried.

4. PUBLIC COMMENT: Gene Hirt voiced his concerns about various issues with the Council regarding brush, an incident he was involved in, and barricades at Jones Park.

5. CORRESPONDENCE TO COUNCIL:

- Public Wholesale Water Supply District #12 meeting minutes from April 15, 2020.
- Copy of a letter from several residents in and around Lyndon requesting the Council to allow the use ATV, UTV, and Special Purpose Vehicles in city limits. The City Clerk stated she also provided copies of ordinances from three other local cities who allow those type of vehicles and also have main state highways that run through their town for the Council to review.
- Copy of a letter from Greg Thill requesting clean gravel and repair of water issues on the north side of the shelter house be done before the Lyndon Car Show which is now scheduled for July 18 from what the City Clerk has been told.

Schmitt asked why the use of ATVs and UTVs was not permitted before this request and it was noted by the City Attorney that the last time it was discussed was approximately 15 years ago and the governing body at that time decided not to pass it for various reasons. The City Attorney stated he does not see any legal issues with it as long as the vehicles are registered, insured and only driven by licensed drivers.

Mayor Morrison asked the Maintenance Supervisor if he has an estimate of the cost of putting the clean gravel at the city park and it was noted that it would possibly be anywhere from \$800 to \$1,000. The Maintenance Supervisor stated it would take approximately three loads to complete coverage of the parking lot and drives at city park. Atchison asked the Maintenance Supervisor to obtain quotes for the clean rock for discussion at the July 1 meeting.

6. UNFINISHED BUSINESS:

- a) GRANT ADMINISTRATION REQUEST FOR PROPOSALS: The City received proposals for grant administration from Western Consultants, Thrive Allen County, and Ranson Financial respectively. The Mayor stated that after review, the cost submitted by each entity is close and there is not much difference. After brief discussion, Atchison made the motion to approve the proposal with Western Consultants. Schmitt seconded; motion carried.

It was noted that the cost of administration has been included in the total grant amount and will be reimbursed to the city through the grant.

- b) AUDITOR PROPOSAL: Council received copies of auditor proposals from John Welch, CPA and Mike Peroo, CPA for annual audit, budget preparation help, and financial assistance. The City Clerk stated that she had found a letter of engagement signed in July 2019 with Mr. Welch for just 2020 audit services, however, stated she would like to work with Mr. Peroo on preparing the 2021 budget. Heit made the motion to approve the quote from Mike Peroo, CPA in the amount of \$1,500 to aid the City Clerk in preparation of the city's 2021 budget. Shepard seconded; motion carried.
- c) STREET/ALLEY TRENCH PERMIT APPROVAL: The City Clerk stated this was previously reviewed at an earlier meeting in March and the request to update language for inspection and after-hours inspection was requested by the Council to be added. The current proposed permit now includes that language and the permit fee for trenching into the street was changed to \$50 from \$150. Atchison made the motion to approve the amended street and alley trench permit. Heit seconded; motion carried.
- d) OPENING OF CITY FACILITIES: Mayor Morrison stated reopening of city facilities needs to be discussed and if everyone feels safe and comfortable enough with the current situation to open up for business as usual. The City Clerk provided the governing body a copy of the County's recommendation for reopening and the City Attorney stated the County is currently in Phase 3. Atchison asked if we had an idea of who was opening their city pools and it was noted that Overbook and Osage City were scheduled to open on June 15<sup>th</sup>.



Carbondale and Waverly are not as well as other multiple pools around the area. The City Clerk stated she has worked with the Maintenance Supervisor on plans for a sneeze guard to be installed on the utility clerk's desk and that other than Scranton, Lyndon is the only local City Hall that has not reopened. After lengthy discussion, Shepard made the motion to open the city park effective June 2<sup>nd</sup> and to open City Hall, Lyndon Community Center and City Pool on June 15<sup>th</sup>. Atchison seconded; motion carried.

Extended city office hours will continue to remain the same and will be revisited at the July 1 meeting, however, it was noted that it seems to be working well and provides extra time to staff and residents.

- e) POOL SEASON RATES, HOURS AND DATES OF OPERATION: Council received a copy of the proposed dates of operation, hours and admission rates as well as the schedule for summer programming for the 2020 pool season. The City Clerk stated that unfortunately the extra events such as the Teen Glow, Baseball/Softball team, and Back to School parties will not be done this year due to the current circumstances. The pool will still hold free swim on July 4<sup>th</sup> and have added family swim nights on Monday and Friday from 6 p.m. to 8 p.m. The pool will be open from June 15 to August 9, 2020. Schmitt made the motion to approve the 2020 pool season schedule, hours and rates. Heit seconded; motion carried.
- f) BRB FINAL PAY APP #14: The Council received a project update memorandum from Wes Weishaar with BG Consultants as well as the final Contractors Pay Application #14 for BRB Construction. The punch list has been completed and the Maintenance Supervisor stated he is satisfied with the completed work. The pay application is the final for BRB Construction in the amount of \$47,626.20 and is the retainage for that contract. Schmitt made the motion to approve the final pay application. Shepard seconded; motion carried.

The City Clerk stated the Jackson Street project design has been submitted to KDHE and USDA for review. Once they are approved by both funding agencies, the project will be advertised for bid and construction tentatively will begin in late summer or early fall. Easement packets for the property owners on Jackson will be out in the next week or two.

- g) SALE OF ROCK AT THE LAGOONS: At the previous meeting there was discussion about the rock at the lagoons. The City Attorney stated he has heard that rock in this area doesn't really hold any value. The Mayor asked if there had been any offers and the Maintenance Supervisor stated there had not. It was noted that no other offers had been submitted through city hall or Maintenance other than

a person offering to haul it off. It was consensus of the Council to allow anyone interested in the rock to haul it off at no charge.

7. NEW BUSINESS:

a) QUOTE TO REPAIR CHAIR LIFT AT POOL: The Maintenance Supervisor stated the actuator motor which lifts the chair in and out of the water is bad, the motor cannot be purchased by itself and has to be purchased as part of another piece. The motor is not something that can be purchased elsewhere and the price he received from In the Swim is \$750 for the drive motor. The Maintenance Supervisor stated he has checked other components such as the battery which has good voltage, however, even with the good battery the motor will not run. He stated there is also a control box which he will not know if that has any issues until he receives the new motor. If the control box proves to be another issue, the cost for a new one is \$250. After further discussion, Schmitt made the motion to approve the purchase of the new drive motor and control box for the lift chair in the pool in the amount of \$1,000. Atchison seconded; motion carried.

b) 2020 STREET PROJECT DISCUSSION: The Maintenance Supervisor provided Council with a map of the proposed street, sidewalk and curb work for the 2020 Street project as well as quotes from Killough Construction for asphalt work and Quality Built for concrete work. It was noted that the green areas are proposed street work and the red areas is what is being proposed for curb/gutter work.

Atchison made the motion to approve the quote from Killough Construction in the amount of \$173, 256.50. Schmitt seconded; motion carried.

Atchison made the motion to approve the quote from Quality Built in the amount of \$45,257.00. Shepard seconded; motion carried.

The City Clerk stated the street project will be funded through City 1% and Special Highway funds. The estimated total project cost for this year is \$221,510.50 which is well within the budgeted amount of \$230,000 for 2020.

8. STAFF REPORTS:

a) POLICE: Council received copies of the Officer Activity Reports from Law Enforcement Supervisor Manning from May 2 to May 29 and Officer Forkenbrock from May 1 to May 30 for review.

Mayor Morrison asked if request for mowing letters have gone out and if we have someone contracted for mowing this summer. Officer Forkenbrock stated letters have gone out and at this time, everyone who received the letters have mowed. The City Clerk stated she contacted Jerrad O'Rear and he has confirmed that he will mow any non-complaint properties.

b) PUBLIC WORKS: Council received a copy of the Maintenance Activity Report for May 4 to June 1.



Heit asked if the lights on the dump truck have been fixed and the Maintenance Supervisor confirmed that they have and also stated the welder who had done the patch work on the bed of the dump truck did a great job.

Mayor Morrison told the Council that the Maintenance Supervisor had found a more cost-effective way to exercise the valves through KRWA for \$500 versus the \$1,750 the Council had approved another company to facilitate which saved the city \$1,250.

The Maintenance Supervisor stated that Public Wholesale Water Supply District #12 will be conducting a chlorine "burn out" from June 8 to June 29. He stated you may smell a stronger scent of chlorine in the water and that is why. There will also be some flushing of the hydrants during this time.

- c) CITY CLERK: The City Clerk stated City Wide Cleanup is scheduled for Saturday, June 27, from 8 a.m. to 4 p.m. and provided a copy of the flyer.

The flyer for the new brush site will go live tomorrow on the City's Facebook and be posted at City Hall. It will be open the third Saturday in June.

City Clerk stated she has started work on the 2021 budget and is at about 40% completion. She stated she is awaiting confirmations of payments from the State, estimated totals for Local Alcohol and State Gas Tax as well as the budget numbers from the County Clerk.

#### 9. COUNCIL/MAYOR COMMENTS AND REPORTS:

Atchison asked about a couple of properties in town that have quite a bit of yard debris and if that is handle through code enforcement. The City Attorney stated it is handled through the nuisance ordinance and to talk to Officer Forkenbrock who is the nuisance enforcement officer.

Mayor Morrison asked about the annual flower pots and the City Clerk stated that EB Sprouts should be putting them out this week. There are a total of 16 flower pots which will be put out downtown between 10<sup>th</sup> and 5<sup>th</sup> Streets on Topeka.

Mayor Morrison asked about selling the garden planters and the City Clerk stated the Maintenance Supervisor will be bringing her pictures and the total number of planters. They will then be put on Facebook for sale as a first come first serve until they are gone.

Mayor Morrison stated he has been in contact with the lighting company, they are making good progress on the project and once the new lighting is up electricians will be in to start connecting the electric. Once everything is completed, demo of the old lighting will continue. There was brief discussion about how to dispose of the old lighting and poles and it was recommended by the City Attorney if the city takes bids on the old poles that a disclaimer on using these poles in structural buildings be signed. (It was noted that the due to the poor condition of the poles, they would not be viable or strong enough to be used for support in any kind of building structure). Atchison stated he knows a utility company that sells their old poles for \$1.00 per foot, however, they have to sign a waiver that says they will not burn them due to being coated with creosote.

10. EXECUTIVE SESSION: At 8:35 p.m. Schmitt made the motion to recess to executive session for 15-minutes for Non-Elected Personnel to discuss seasonal hiring with the City Attorney attending. Heit seconded; motion carried. At 8:50 p.m. Council reconvened with Atchison motion to hire new pool applicants Talia Smittick, Grady Smith and Braden Reed in lifeguard positions, lifeguards to be paid \$7.25 per hour with exception of the head guard at \$7.50, assistant pool manager at \$8.50, and pool manager at \$9.25. Shepard seconded; motion carried.
11. ADJOURNMENT: Schmitt made the motion to adjourn to Monday, June 15, 2020 at 7 p.m. for regular meeting. Shepard seconded; motion carried.

Respectfully submitted,

Julie Stutzman, CMC  
Julie Stutzman, CMC  
City Clerk

Approved by the governing body on June 15, 2020

Attest:

Julie Stutzman, CMC  
Julie Stutzman, CMC  
City Clerk

